

### § 1.13

Act (5 U.S.C. 601, *et seq.*), or a certification that the rule, if promulgated, will not have a significant economic impact on a significant number of small entities pursuant to 5 U.S.C. 605. Such certification may be made by any FEMA official with rulemaking authority.

(g) It is desirable, but not required, that the notices contain a target deadline for issuance of the regulation, and that to the extent feasible, this deadline be met.

(h) If the rule is one which contains a requirement for collection of information, a copy of the rule will be furnished OMB in accordance with 44 U.S.C. 3504(h).

[46 FR 32584, June 24, 1981, as amended at 49 FR 38119, Sept. 27, 1984]

### § 1.13 Participation by interested persons.

(a) Unless the notice otherwise provides, any interested person may participate in rulemaking proceedings by submitting written data, views or arguments within the comment time stated in the notice. In addition, the Administrator may permit the filing of comments in response to original comments.

(b) In appropriate cases, the Administrator may provide for oral presentation of views in additional proceedings described in § 1.14.

(c) Copies of regulatory flexibility analyses shall be furnished the Chief Counsel for Advocacy of the Small Business Administration.

### § 1.14 Additional rulemaking proceedings.

The Administrator may invite interested persons to present oral arguments, appear at informal hearings, or participate in any other procedure affording opportunity for oral presentation of views. The transcript or minutes of such meetings, as appropriate, will be kept and filed in the Rules Docket.

### § 1.15 Hearings.

(a) The provisions of 5 U.S.C. 556 and 557, which govern formal hearings in adjudicatory proceedings, do not apply to informal rulemaking proceedings described in this part. When opportunity

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is afforded for oral presentation, the informal “hearing” is a nonadversary, fact-finding proceeding. Any rule issued in a proceeding under this part in which a hearing is held need not be based exclusively on the record of such hearing.

(b) When a hearing is provided, the Administrator will designate a representative to conduct the hearing.

### § 1.16 Adoption of a final rule.

(a) All timely comments will be considered in taking final action on a proposed rule. Each preamble to a final rule will contain a short analysis and evaluation of the relevant significant issues set forth in the comments submitted, and a clear concise statement of the basis and purpose of the rule.

(b) When determined necessary by the Administrator in accordance with the provisions of 1 CFR 18.12, the preamble shall contain the following information:

(1) A discussion of the background and major issues involved;

(2) In the case of a final rule, any significant differences between it and the proposed rule;

(3) A response to substantive public comments received; and

(4) Any other information the Administrator considers appropriate.

(c) At the time of publication of the final rule, a statement shall be published describing how the public may obtain copies of the final regulatory flexibility analysis which must be prepared in accordance with 5 U.S.C. 604 unless the procedure for waiver or delay of completion under 5 U.S.C. 608 is followed.

(d) Before approving any final major rule FEMA will:

(1) Make a determination that the regulation is clearly within the authority delegated by law and consistent with congressional intent and include in the FEDERAL REGISTER at the time of promulgation a memorandum of law supporting that determination; and

(2) Make a determination that the factual conclusions upon which the rule is based have substantial support in the agency record, viewed as a whole, with full attention to public

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comments in general and the comments of persons directly affected by the rule in particular.

### § 1.17 Petitions for reconsideration.

Petitions for reconsideration of a final rule will not be considered. Such petitions, if filed, will be treated as petitions for rulemaking in accordance with § 1.18.

### § 1.18 Petition for rulemaking.

(a) Any interested person may petition the Administrator for the issuance, amendment, or repeal of a rule. For purposes of this section the term *person* includes a Federal, State or local government or government agency. Each petition shall:

(1) Be submitted to the Rules Docket Clerk;

(2) Set forth the substance of the rule or amendment proposed or specify the rule sought to be repealed or amended;

(3) Explain the interest of the petitioner in support of the action sought; and

(4) Set forth all data and arguments available to the petitioner in support of the action sought.

(b) No public procedures will be held directly on the petition before its disposition. If the Administrator finds that the petition contains adequate justification, a rulemaking proceeding will be initiated or a final rule will be issued as appropriate. If the Administrator finds that the petition does not

contain adequate justification, the petition will be denied by letter or other notice, with a brief statement of the ground for denial. The Administrator may consider new evidence at any time; however, repetitious petitions for rulemaking will not be considered.

## PART 2—OMB CONTROL NUMBERS

Sec.

2.1 Purpose.

2.2 OMB control numbers assigned to information collections.

AUTHORITY: 5 U.S.C. 552; 42 U.S.C. 3507; Reorganization Plan No. 3 of 1978, 5 U.S.C. App. 1; E.O. 12127, 3 CFR, 1979 Comp., p. 376; E.O. 12148, as amended, 3 CFR, 1979 Comp., p. 412.

SOURCE: 74 FR 15332, Apr. 3, 2009, unless otherwise noted.

### § 2.1 Purpose.

This part collects and displays the control numbers assigned to information collection requirements of FEMA by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). FEMA intends that this part comply with the requirements of section 3507(f) of the Paperwork Reduction Act, which requires that agencies display a current control number assigned by the Director of OMB for each agency information collection requirement.

### § 2.2 OMB control numbers assigned to information collections.

44 CFR part or section where identified or described	Current OMB Control No.
59 .....	1660-0023
59.22 .....	1660-0003, 1660-0004
59 subpart C .....	1660-0045
60.6, 60.3 .....	1660-0033
61.13 .....	1660-0006
62 subpart B .....	1660-0005, 1660-0095
62.23(l) .....	1660-0086
62.24 .....	1660-0020, 1660-0038
65, 70 generally .....	1660-0037
71.4 .....	1660-0010
72 .....	1660-0015, 1660-0016
75.11 .....	1660-0013
78 .....	1660-0062, 1660-0072, 1660-0075
79.7(d) .....	1660-0104
80 .....	1660-0103
151.11 .....	1660-0014
152.4, 152.7 .....	1660-0069
201 .....	1660-0062, 1660-0072, 1660-0103
204 .....	1660-0058
206 subpart B: 206.34, 206.35, 206.36, 206.46, 206.47 .....	1660-0009
206 subpart D: 206.101(e), 202.110, 206.117, 206.119 .....	1660-0002
206.112, 206.114, 206.115 .....	1660-0061
206.171 .....	1660-0085
206.202(f)(2), 206.203(c), 206.203(d)(l), 206.204(f) .....	1660-0017